



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY

सं. 22]

नई दिल्ली, मई 28—जून 3, 2017, शनिवार/ ज्येष्ठ 7—ज्येष्ठ 13, 1939

No. 22]

NEW DELHI, MAY 28—JUNE 3, 2017, SATURDAY/ JYAISTHA 7—JYAISTHA 13, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 17 मई, 2017

का.आ. 1341.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास, मस्कत में श्री दर्शन सिंह नेगी, सहायक अनुभाग अधिकारी को दिनांक 17 मई, 2017 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2016]

प्रकाश चन्द, निदेशक (कौंसुलर)

that the action of the management in terminating services of the claimant with effect from 08.07.2009 is held to be illegal and unjustified.

13. Now, the residual question is as to what relief the claimant is entitled to? Since the action of the management herein is totally illegal and against provisions of the Act, as such, this Tribunal is of the opinion that no sympathy can be shown to the management who had hired and fired the claimant in a most arbitrary manner. It is clear from various authorities passed by the Hon'ble Apex Court that ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or malafide and/or by way of victimization, unfair labour practice etc. However, when it comes to the case of termination of a daily wage worker and where the termination is found illegal because of procedural defect, namely in violation of Section 25-F reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. Rationale for shifting in this direction is obvious. Reasons for denying the relief of reinstatement in such cases are obvious. It is trite law that when the termination is found to be illegal because of non-payment of retrenchment compensation and notice pay as mandatorily required under Section 25-F, even after reinstatement, it is always open to the management to terminate the services of that employee by paying him the retrenchment compensation. Since such a workman was working on daily wage basis and even after he is reinstated, he has no right to seek regularization.

14. Since in the case on hand, termination of services of the claimant has been held to be illegal and unjustified, this Tribunal is of the considered opinion that the claimant is entitled to reinstatement with continuity and full back wages. An award is, accordingly, passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : May 18, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 25 मई, 2017

**का.आ. 1390.**—राष्ट्रपति, न्यायामूर्ति सुरेन्द्र विक्रम सिंह राठौर, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय/राष्ट्रीय औद्योगिक न्यायाधिकरण, मुंबई-I को 02.02.2017 से छः माह तक की अवधि अथवा नियमित आधार पर पद के भरे जाने तक अथवा अगले आदेश तक, जो भी पहले हो तब तक, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय/राष्ट्रीय औद्योगिक न्यायाधिकरण, कोलकाता क पीठासीन अधिकारी के पद का अतिरिक्त प्रभार सौंपते हैं।

[सं. ए-11016/03/2009-सीएलएस-II]

एस. के. सिंह, अवर सचिव

New Delhi, the 25th May, 2017

**S.O. 1390.**—The President is pleased to entrust the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court/Natioanl Industrial Tribunal, Kolkata to Justice Surendra Vikram Singh Rathore, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court/Natioanl Industrial Tribunal, Mumbai-I for a period of six months with effect from 02.02.2017 or till the post is filled on regular basis or until further orders, whichever is earliest.

[No. A-11016/03/2009-CLS-II]

S. K. SINGH, Under Secy.

नई दिल्ली, 29 मई, 2017

**का.आ. 1391.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जून, 2017 को उस तारीख के रूप में नियत करती है, जिसे उक्त अधिनियम के अध्याय IV (धारा 44 व 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) तथा अध्याय V और VI [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जलपाईगुडी जिला, पश्चिम बंगाल के सभी क्षेत्र/संपूर्ण क्षेत्र”।

[सं. एस-38013/01/2017-एस.एस.-1]

अजय मलिक, अवर सचिव



New Delhi, the 29th May, 2017

**S.O. 1391.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2017 as the date on which the provisions of Chapter-IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following Areas in the State of West Bengal namely :—

“All the areas of the District Jalpaiguri, West Bengal.”

[No. S-38013/01/2017-S.S.-I]

AJAY MALIK, Under Secy.